

# Bereskin & Parr

Barristers and Solicitors/Patent and Trade Mark Agents  
Practice Restricted to Intellectual Property Law.

Anita Nador B.A. (Molec. Biophys./Biochem), LL.B.  
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Your Reference: 09/643,755  
Our Reference: 9369-153

February 22, 2002

Commissioner for Patents and Trademarks  
Washington, D.C. 20231  
U.S.A.

**Attention: Examiner Phuong T. Bui**

Dear Sir:

**Re: RESPONSE TO OFFICE ACTION**  
**United States Patent Application No. 09/643,755**  
**Entitled: Commercial Production of Chymosin in Plants**  
**Inventors: Gijs van Rooijen, Richard Glenn Keon, Yin Shen**  
**and Joseph Boothe**  
**Filing Date: August 23, 2000**  
**Examiner: Phuong T. Bui**  
**Grp Art Unit: 1638**

This is in response to the Office Action mailed January 23, 2002, a response to which is due to be filed by February 23, 2002.

On review of the Office Action mailed January 23, 2002, Applicants noted that the "Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures" was identical to the "Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures" enclosed with the Notice to File Missing Parts of Non-Provisional Application mailed October 2, 2000. A copy of the Office Action and Notice to File Missing Parts of Non-Provisional Application is enclosed for the Examiner's reference.

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Applicants responded to the Notice to File Missing Parts of Non-Provisional Application by letter dated December 1, 2000. In that Response, Applicants corrected the defects noted in the "Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures".

On Monday, February 18, 2002, Applicants spoke with the Primary Examiner, Phuong T. Bui, and she confirmed that the Office Action mailed January 23, 2002, was issued in error. The Examiner also confirmed that all Sequence Listing requirements for the above-noted patent application had been met.

It is Applicants' understanding from the Examiner that no further action is required with respect to correcting any defects in the Sequence Listing for the above-noted patent application. If Applicants are incorrect on this point, please contact the undersigned immediately.

If any fee is due, including a fee for an extension of time, such an extension is hereby requested and the Commissioner is authorized to charge any such fee to Deposit Account No. 02-2095.

Respectfully submitted,

**Gijs van Rooijen et al.**



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Page 1 of 2  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/643,755	08/23/2000	Gijs van Roojen et al	9369-153/MG

1059  
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FORMALITIES LETTER



\*OC000000005441250\*

Date Mailed: 10/02/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

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- The statutory basic filing fee is missing.  
*Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$144.
  - \$144 for 8 total claims over 20.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason (s):
  - The paper copy of the ~~sequence listing~~ is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-1123
- For CRF Submission Help, call (703) 308-4212
- PatentIn Software Program Support
  - - For Technical Assistance, call (703) 287-0200
  - - To Purchase PatentIn Software, call (703) 306-2600

• The balance due by applicant is \$ 964.

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*A copy of this notice MUST be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



## UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/643,755	08/23/2000	1638	0	9369-153/MG	8	28	2

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## FILING RECEIPT



\*OC000000005441249\*

Date Mailed: 10/02/2000

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Gijs van Roojen et al, Residence Not Provided;

**Continuing Data as Claimed by Applicant**

THIS APPLICATION IS A CIP OF 09/378,696 08/23/1999

**Foreign Applications**

If Required, Foreign Filing License Granted 09/29/2000

**Title**

Commercial production of chymosin in plants

**Preliminary Class**

435

Data entry by : RIVERS, ANNETTE

Team : OIPE

Date: 10/02/2000



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**LICENSE FOR FOREIGN FILING UNDER**  
**Title 35, United States Code, Section 184**  
**Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 36 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 600 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
 Office of Initial Patent Examination  
 Customer Service Center  
 Washington, DC 20231

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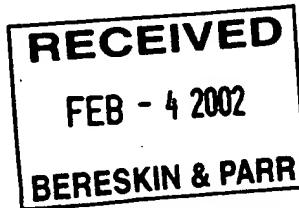
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UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,755	08/23/2000	Gijs van Rooijen	9369-153/MG	1008

1059 7590 01/23/2002

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TORONTO, ON M5H 3Y2  
CANADA



EXAMINER
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BUI, PHUONG T

ART UNIT	PAPER NUMBER
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1638

DATE MAILED: 01/23/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.



SER. NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/643755			

EXAMINER	
P Bui	
ART UNIT	PAPER NUMBER
1638	7

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application  
Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Any inquiry concerning this communication should be directed to *Phuong Bui* at telephone number (703)305-1996.

*Phuong Bui*  
PHUONG T. BUI 1/21/02  
PRIMARY EXAMINER

O.D. ENT. Feb. 29, 2002  
FA